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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)

Telecommunications Services)
Inside Wiring)

Customer Premises Equipment)

In the Matter Of)

Implementation of the Cable)
Television Consumer Protection)
and Competition Act of 1992:)

Cable Home Wiring)

CS Docket No. 95-184

MM Docket No. 92-260

COMMENTS OF ECHOSTAR COMMUNICATIONS CORPORATION

EchoStar Communications Corporation ("EchoStar") hereby files comments in the above-captioned application. With two Direct Broadcast Satellites currently operational and a third one soon to be launched, EchoStar is a Multi-Channel Video Programming Distributor with a direct interest in obtaining access to a substantial Multiple Dwelling Unit market segment on an equal footing with incumbent cable operators. EchoStar supports the Commission's adoption of home run wiring regulations allowing competitors to access a building at a physically accessible and MDU owner friendly demarcation point. For this reason, Echostar supported the movement of the current demarcation point to a point where the common wire terminates and the home run wiring dedicated to a particular dwelling unit begins. Echostar

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generally agrees with the Commission's procedural mechanism as set forth in the Further Notice. EchoStar also generally agrees with certain clarifications proposed by the Independent Cable and Telecommunications Association designed to ensure franchised operator compliance with both the spirit and the letter of the intended rules.

Specifically, Echostar agrees with ICTA that the Commission should establish a presumption that an incumbent provider does not have an enforceable legal right to remain on the premises in the event of a dispute with the MDU owner concerning same. A Commission presumption would serve to reduce maneuvering by incumbents while still allowing franchisees (or any other incumbent provider) to protect any truly existing rights in a judicial or other appropriate forum.

EchoStar also agrees that the Commission needs to insure that its time line does not allow the incumbent operator to terminate service to an entire building or an individual unit in advance of the alternative provider's ability to initiate service to that building or unit. Absent rules guaranteeing a seamless transition, incumbent providers can manipulate the service cut-off date so as to leave tenants without service, the threat of which will either at most cause the MDU owner or tenant to alter its decision to switch providers, or at least (but not insubstantial) cause damage to the good will and reputation of the alternative supplier. The Commission should require the incumbent provider to continue to provide service until the expiration of the MDU owner or tenant notice termination date unless both the incumbent provider and the alternative service provider agree in writing on a different date certain for service cut-over.

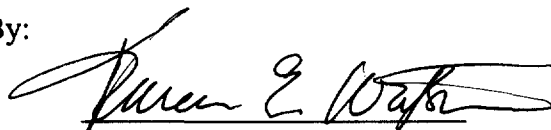
Similarly, the Commission should ensure that its time line with respect to a unit-by-unit disposition of home run wiring is not so lengthy as to afford the incumbent provider an

opportunity for "mischief." That is, a ninety day window to prepare for an announced overbuild by a competitor appears too long. For example, it enables the incumbent to tie subscribers to annual agreements in advance of the alternative provider's ability to offer service via the home run wiring. Echostar supports the ICTA suggestion that the incumbent provider be entitled to fifteen days notice from the MDU owner as to a competitive overbuild triggering the incumbent provider's delivery of its written election notice by the close of that same fifteen day period and the other time periods proposed by ICTA depending on the incumbent's election.

Respectfully submitted,

EchoStar Communications Corporation

By:

A handwritten signature in black ink, appearing to read "Karen E. Watson", written over a horizontal line.

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Dated: September 25, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 1997, a true copy of the foregoing proceeding was served via first-class mail, postage prepaid on the following:

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